

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Glenn Gene Fernandez

Case No.

*Defendant(s)***FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 01 2015

MATTHEW J. DYKMAN
CLERK

15mj 4175

CRIMINAL COMPLAINT

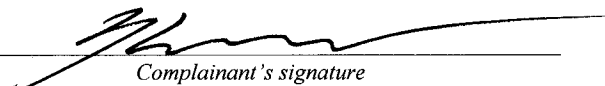
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 1, 2015 in the county of Bernalillo in the
State and District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C Section 2250

Failure to Register under the Sex Offender Registration and Notification Act

This criminal complaint is based on these facts:

Glenn G. Fernandez, an individual required to register under the Sex Offender Registration and Notification Act,
Knowing Failed to register as a Sex Offender.☒ Continued on the attached sheet.
Complainant's signature

Kenneth Dainel, Deputy U.S. Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date:

12/1/15

City and state:

Albuquerque, NM
*Judge's signature*Steven C. Yarbrough*Printed name and title*State U.S. Magistrate Judge

I, Deputy Kenneth M. Daniel, being duly sworn, depose and state that:

1. I am a Deputy United States Marshal Service assigned to the District of New Mexico, Albuquerque South West Investigative Task Force. I have been employed with the U.S. Marshal Service since 2009. I have completed the Basic Deputy U.S. Marshal training Academy as well as a Criminal Investigative Training Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. As a deputy with the United States Marshal Service, my assignment is the apprehension of federal and state felony fugitives, including unregistered sex offenders. I am authorized under 28 U.S.C § 564 to enforce law of the United States, including the provisions of 42 U.S.C § 16901 et seq., the Sex Offender Registration and Notification Act (SORNA), and 18 U.S.C. §2250, Failure to Register. I received specialized training from the U.S. Marshal Service, Sex Offender Investigation Branch specific to the enforcement of the aforementioned statutes.
2. I make this affidavit in support of the criminal complaint charging Glenn Gene Fernandez with a violation of 42 U.S.C § 16913(c) and 18 U.S.C. §2250 in that he knowingly Failed to update his Sex Offender Registration. The information contained herein was investigated by the affiant or submitted by other law enforcement personnel. The Affidavit is being submitted for the limited purpose of securing a criminal complaint; I have not included every fact known to me concerning the investigation. I have set forth only the facts that I believe is necessary to establish probable cause to demonstrate that Title 18 U.S.C § 2250 and 42 U.S.C § 16913(c) has been violated.
3. On March 4th, 2004 Glenn Gene Fernandez was convicted by the District Court of Santa Clara County of California before State Honorable Judge Paul Teilh for Criminal Sexual Battery Involving Restrained Person Third Degree (243.4(D) P.C. The judgment for these conviction states that Fernandez is ordered to comply with the following terms and conditions:
 - a. "I must annually update my registration information in person within five (5) working days before or after my birthday at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address."
 - b. "If I change my registered address to a new address, either within the same Jurisdiction, or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location, I must later notify, by registered certified mail, the last registering agencies of the

new address or transient location within five (5) working days of moving to the new address of location."

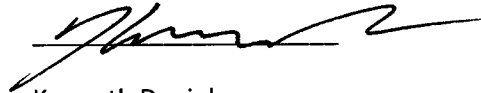
4. On April 20th, 2011 Fernandez completed his latest registration as a Sex Offender with the San Jacinto Police Sex Offender Registration and Tracking Unit. During this registration, Fernandez was given a copy of the California DOJ Form #SS-8102S, informing Fernandez of his duty to register and the sex offender registration guidelines. Fernandez acknowledged his duty to register and sex offender registration guidelines by initialing and signing the California sex offender Registration forms.
5. Record from the San Jacinto Police Sex Offender Registration and Tracking Unit shows since Fernandez's initial registration, he has completed more than five(5) annual registrations and renewals with the state of California. During these registration, Fernandez initialed and acknowledge the following lifetime sex offender registration guidelines:
 - a. "My responsible to register as a sex offender is a life time requirement"
 - b. "If I change my registered address to a new address, either within the same Jurisdiction, or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location, I must later notify, by registered of certified mail, the last registering agencies of the new address or transient location within five (5) working days of moving to the new address of location."
 - c. "If I am registered as a transient and I am moving out of state. I must inform the agency having jurisdiction over the place where I was physically present as a transient in person, within five (5) working days before I leave. I must also inform the agency of my planned destination, residence or transient location out of state,if know and any plans to return to California. "
 - d. "If I move out of California, I am required to register in the new state within ten (10) working days."
6. On 04/12/2013, San Jacinto Police's Detective Lauren Poncy filed an Incident Report for Glenn Gene Fernandez in the state of California, County of Riverside. The Incident Report charges Glenn Gene Fernandez with Failure to Fulfill Annual Sex Offender registration requirement. Detective Lauren Poncy 's affidavit states:

- a. "Glenn Fernandez last registered as a sex offender in the city of San Jacinto, on 04/20/11. On 08/29/12, at 0900 hours, I conducted a records check for out of compliance 290 Sex Registrants; I found Glenn Fernandez was no longer living at his last known address at 712 Minor St. Apt. D, in the city of San Jacinto, County of Riverside, CA. Fernandez also has an outstanding misdemeanor warrant reference SWF1103091."
 - b. "On 08/29/12, at 0900 hours, I conducted an attempt warrant service on Glenn Fernandez at 712 Minor St, Apt D, in San Jacinto, County of Riverside. Fernandez currently has an outstanding warrant reference case SWF1103091 and is on formal probation reference the same case until 05/09/2015. I spoke with Veronica Napoles, Fernandez's former neighbor who told me Glenn Fernandez was no longer living at his last known address of 712 Minor St. Apt. D, in the city of San Jacinto, County of Riverside, CA. Napoles told me she believed he fled to Mexico. I spoke with the new tenants; they told me they did not know Fernandez."
 - c. "As a result of Glenn's Fernandez's lack of diligence in changing his address upon moving from his registered address from 01/25/2012 and failing to register on his birthday 04/22/1969, this report and the included arrest warrant declaration are to be forwarded to the Riverside County District Attorney's Office for the prosecution of Glenn Gene Fernandez for violation of 290.012(a) Fail to Fulfill Annual Registration Requirements and 290.013 Failure to Un-Register From Residence.
7. On November 10, 2015, United States Marshal Service received a request from Jim Black from the San Bernardino Sheriff's Department (California) to assist Rio Arriba County Sheriff Department (New Mexico) Lt. Sanchez with possibly charging Fernandez with violation of the Adam Walsh Act. United States Marshal Service contacted Jessica Morales at the NM State Sex Offender Registry and learned that Fernandez has not registered in NM since 2009.
 8. On November 10, 2015, United States Marshal Service learned that Fernandez was issued a new NM Driver's License on 2/21/2013. Fernandez's NM Motor Vehicle record shows multiple citations, date ranges from 11/29/2012 to 6/16/2013. On 09/26/2015, Rio Arriba County Sheriff's Deputies were dispatched to the home of his girlfriend April Marie Coffeen in reference to a report of Mr. Fernandez being an unwanted subject at

that address. At the time of this arrest Fernandez was attempting to break and enter into the Coffeen family home located at County Road 41, HSE 884, Velarde, NM 87582. At the time of this arrest Fernandez listed his address as Private Drive 1046A HSE 22b, Alcade, NM 87511 in which he ~~has~~ ^{had} obtain^{ed} residency.

9. On December 1st, 2015, Deputy U.S. Marshal Daniel conducted a check through the Department of Justice National Sex Offender Public Website and New Mexico Department of Public Safety Sex Offender Registry and found that Glenn Fernandez is not registered as a sex offender with any other state, county, or territory. On the same day, Deputy Daniel conducted a check for Fernandez on the following inmate locator and criminal history website and database: Federal Bureau of Prisons, Bernalillo County Metropolitan Detention Center, New Mexico Department of Corrections, and the National Crime Information Center. Deputy Daniel could not locate Fernandez in the custody of any Jail or Prison. As of December 1st, 2015 the affiant alleges that Fernandez knowingly failed to comply with the rules and guideline required by 42 U.S.C § 16901 et seq., the Sex Offender Registration and Notification Act (SORNA), and 18 U.S.C. §2250, Failure to Register. Fernandez's current whereabouts are listed as Private Drive 1046A HSE 22b, Alcade, NM 87511.

10. WHEREFORE, it is respectfully submitted that probable cause exists to believe that Glenn Gene Fernandez did commit an offense in violation of Title 42 U.S.C § 16913(c) and 18 U.S.C. §2250; having been convicted of a Sex Offense by the District Court of California and knowingly failed to register as a sex offender in the District of New Mexico.



Kenneth Daniel

Deputy U.S. Marshal

Sworn to and Subscribed before me this 1st day of December, 2015.


United State Magistrate Judge